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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,349	03/24/2004	Tatsuyoshi Maruyama	023484-0162	5377

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EXAMINER	
WUJCIAK, ALFRED J	
ART UNIT	**PAPER NUMBER**
3632	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/807,349	MARUYAMA ET AL.	
	Examiner	Art Unit	
	Alfred Joseph Wujciak III	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-7,9,12,14,15,17,18 and 21* is/are rejected.

7)☒ Claim(s) *13,16,19,20,22 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the final Office Action for the serial number 10/807,349, STRUCTURE FOR FIXING STEERING-GEAR HOUSING, filed on 3/24/04.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14, line 2, "the steering-gear housing" is indefinite because it cites combination/subcombination problem. "The steering-gear housing" is not being positively cited in preamble of claim 1.

Claim 16, line 3, "formed in the vehicle-body member" is indefinite because the drawing does not show concave formed in the vehicle-body member and that there is no connection between concave and the vehicle-body member. In this office action, based on figure 5, the examiner is assuming the concave is formed in the first bracket.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6-7, 9, 12, 14-15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 4,314,710 to Kamoshita et al.

Kamoshita et al. teaches a structure (figure 3) comprising a first bracket (12) comprising a first supporting face supporting one circumferential side face of the steering-gear housing (2), a first abutting face arranged at one circumferential end and abutting on the vehicle-body member (11), a first bolt hole (located where the top bolt is secured therethrough in figure 3) arranged through the first abutting face, and a second abutting face arranged axially opposite to the first abutting face through the first bolt hole. The structure includes a second bracket (14) comprising a second supporting face supporting another circumferential side face of the steering-gear housing, a third abutting face arranged at one circumferential end and abutting on the second abutting face, and a second bolt hole arranged through the third abutting face at a position corresponding to the first bolt hole. The structure includes a member (15) for securing another circumferential end of the first bracket and another circumferential end of the second bracket. The structure includes a bolt (upper bolt of figure 3) arranged from the second bolt hole through the first bolt hole, the bolt secures the first bracket, second bracket and the vehicle body member together. The structure includes a cylindrical resilient member (13) arranged between the first and second brackets and the steering-gear housing. The resilient member is formed with a protrusion (adjacent to element 23) on an outer periphery and the second supporting face is formed with a concave engaged with the protrusion. The resilient member is formed with an incision (opening area adjacent to element 23).

Kamoshita et al. teaches the third abutting face but fails to teach the third abutting face being smaller in an axial length than the first bolt hole. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the size of the third abutting face smaller in the axial length than the first bolt hole to reduce the length of bolt for connecting the two brackets together.

In regards to claim 2, Kamoshita et al. teaches the first bolt hole but fails to teach the first bolt hole has an axial length larger than a radius of the steering-gear housing. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the size of first bolt hole length larger than the radius of the steering-gear housing to provide designer's preference for the length of hole for retaining a long bolt.

In regards to claim 3, Kamoshita et al. teaches the second bolt hole but fails to teach the second bolt hole comprises a slot. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added slot in the second bolt hole to provide adjustable support for allowing the bolt to mount therethrough.

In regards to claim 14, Kamoshita et al. teaches the first bolt hole but fails to teach the first bolt hole has an axial length larger than a radius of steering-gear housing. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the length of first bolt hole larger than the radius of steering-gear housing to increase the stress life on the first bracket from a long period of vibration from engine mounted on frame.

In regards to claim 15, Kamoshita et al. teaches the second bolt hole of the second bracket but fails to teach the second bolt hole is a slot. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the second bolt hole

to slot to provide convenience for adjusting the second bracket while the bolt is connected to the first and second brackets.

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamoshita et al. in view of US Patent # 4,020,531 to Ahrens et al.

Kamoshita et al. teaches the second bracket but fails to teach the second bracket is formed out of a sheet resilient material. Ahrens et al. teaches the bracket (8') is formed out of a sheet resilient material (col. 6, lines 60-61). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Kamoshita et al.'s second bracket with sheet resilient material as taught by Ahrens et al. to provide flexibility in the bracket for mounting on a movable cylindrical object.

Response to Arguments

Applicant's arguments filed 9/22/05 have been fully considered but they are not persuasive.

With respect to applicant's argument on page 9 stating that "the 'first bolt hole [is] arranged through the first abutting face.' Moreover, the first abutting face is recited as being 'configured to abut the vehicle-body member' (i.e., the vehicle frame cross member 11). The portion of Kamoshita's support bracket 12 (i.e., the first bracket) that abuts the vehicle frame cross member 11 (i.e., the vehicle-body member), however, does not have a bolt hole. Rather, as clearly shown in Figure 3 of Kamoshita, the support bracket 12 (i.e., the first bracket) and the vehicle frame cross member 11 (i.e., the vehicle-body member) are simply welded together, i.e., the bolt hole for the upper bolt in Figure 3 of Kamoshita is, contrary to the limitations of claims 1

and 12, not 'arranged through the first abutting face.'" The examiner disagrees with the applicant because first of all the applicant admits that Kmaoshita's first abutting face abuts the vehicle body and that claim 1 did not specially states that the first bolt hole abuts vehicle body but it abuts the first abutting face which is connected to the vehicle body.

On page 9, the applicant argues that Kamoshita fails to teach "the second bolt hole (i.e., the bolt hole though the third abutting face of the second bracket) is 'smaller in an axial length than the first bolt hole'. In contrast, however, the second bolt hole through Kamoshita's clamp plate 14 (i.e., second bracket) is clearly greater in axial length than the first bolt hole through Kamoshita's support bracket 12." The examiner is aware that Kamoshita fails to teach the third abutting face of the second bracket is smaller in an axial length than the first bolt hole and that it would be an obvious to have modified Kamoshita's third abutting face to reduce the axial length than the first bolt hole to reduce the length of bolt for connecting two brackets together. Since Kamoshita teaches third abutting face and bolt hole and that the examiner is allowed to modify distance of bolt hole in the third abutting face and that it won't ruin Kamoshita's invention.

In the last paragraph of page 9, the applicant argues that Kamoshita teaches the upper bolt but fails to teach the upper bolt is "configured to secure the first bracket, the second bracket and the vehicle-body member together." The examiner disagrees with the applicant because the bolt is designed to secure three parts together (first bracket, second bracket and vehicle-body member). If the bolt was not being used in the invention then the three parts would not be able to remain connected to each other especially under a long period of vibration from the motor mounted on the frame. "Configured to secure the first bracket, the second bracket and the vehicle-body together" is a functional language and that the upper bolt is intended to support the

first bracket, second bracket and vehicle-body together. The applicant is not claming the upper bolt is extended through first bracket, second bracket and vehicle-body to secure them together.

On page 10, the applicant argues that Ahrens fails to teach or suggest that the two brackets having first, second and third abutting faces as recited in claim 1. The examiner disagrees with the applicant because Ahrens do teach two brackets having first, second and third abutting faces. Ahrens's reference is being used in dependent claim 5 for modifying the base reference of Kamoshita for material of second bracket to sheet material. Ahrens's reference is not being used as rejection in claim 1.

Allowable Subject Matter

Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 4, 8, 10, 13 and 19-20 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claim 4, the prior art fails to teach wherein the first bracket comprises a protrusion arranged at an edge of the first abutting face, the protrusion being engaged in a concave formed in the vehicle-body member. In regards to claim 8, the prior art fails to teach

wherein the concave of one supporting face is arranged at a connection between the first and second brackets. In regards to claim 10, the prior art fails to teach wherein the incision of the resilient member is arranged at a connection between the first and second brackets. In regards to claim 16, the prior art fails to teach the protrusion being engaged in a concave formed in the first bracket. In regard to claims 19-20 and 22, the prior art fails to teach wherein one of the first and second supporting faces is formed with a concave engaged with the protrusion. In regard to claims 13 and 23, the prior art fails to teach the member/ means for securing, which secures the another circumferential end of the first bracket and the another circumferential end of the second bracket, is not configured to be secured to the vehicle body.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632

12/12/05